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Message from the President of the United States, transmitting a communication from the Secretary of the Interior, recommending an amendment to section 2142 of the Revised Statutes of the United States

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PERSONAL ASSAULTS IN THE INDIAN COUNTRY.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of the Interior, recommending an amendment to section 2142 of the Revised Statutes of the United States.

APRIL 22, 1882.—Referred to the Committee on Indian Affairs and ordered to be printed.

To the Senate and House of Representatives :

I transmit herewith a communication, dated the 15th instant, from the Secretary of the Interior, with draft of bill and accompanying papers touching the amendment of section 2142 of the Revised Statutes of the United States.

The subject is presented for the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
April 21, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, April 15, 1882.

SIR: I have the honor to submit herewith for your consideration an amendment to section 2142 of the Revised Statutes of the United States.

I also submit for your information and consideration a copy of a report from the Commissioner of Indian Affairs, with inclosure therein noted, in relation to the action of "Hippy," a Cheyenne Indian belonging to the Cheyenne and Arapahoe Agency, in Indian Territory, which will represent the class of cases desired more particularly to be reached by the amendment presented.

There does not appear to be any penalty, except that for a case of assault, provided under existing law for offenses like that complained of by Agent Miles in the papers presented, and yet very grave results might ensue by reason of inadequate punishment or no punishment at all in such case; and at the same time the agent's or employé's life might be imperiled or severe bodily harm incurred if no action was taken.

If, however, the agents and employés of the government are amply

protected in the performance of their duties, it will conduce greatly to the peace and good order of the reservation, and could not but result beneficially in restraining the lawless, both Indians and whites, in places where stringent laws are oftentimes needed.

The attention of Congress is respectfully recommended to the proposed measure.

I have the honor to be, sir, very respectfully, your obedient servant

S. J. KIRKWOOD,

Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 21, 1882.

SIR: I have the honor to inclose herewith a copy of a letter, dated 14th instant, from John D. Miles, United States Indian agent at the Cheyenne and Arapahoe Agency, Indian Territory, giving an account of an attempt upon his life by "Hippy," a Cheyenne Indian belonging to his agency, and who, as appears, is now in confinement in the guard-house at Fort Reno. I do not favor the plan suggested by Agent Miles for the punishment of this Indian, *i. e.*, confinement at Fort Leavenworth for five years. The treaty of October 23, 1867, with the Cheyenne and Arapahoe Indians (15 Stat., p. 593) is identical in its provisions with the Sioux treaty of April 29, 1868, (*Id.*, p. 635), so far as the punishment of crime is concerned, and it will be recollected that under date of August 25, 1881, the honorable Attorney-General coincided in your opinion, as expressed in a communication of the 22d of same month, that it was perfectly competent for the United States courts to take cognizance of the alleged murder of Spotted Tail by Crow Dog, and the United States district court for the first judicial district, Territory of Dakota, has since so decided.

It is therefore respectfully submitted that "Hippy" should be tried by the civil authorities, and to this end I respectfully recommend that the honorable Attorney-General be requested to direct the United States attorney for the western district of Arkansas to take the proper action toward bringing him to trial. It is suggested, also, that the honorable Secretary of War be requested to direct the commanding officer at Fort Reno to hold said Indian in custody until the United States attorney can arrange for his removal to Fort Smith.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

UNITED STATES INDIAN SERVICE,
CHEYENNE AND ARAPAHOE AGENCY,
Darlington, Idaho, March 14, 1882.

SIR: It becomes my duty to report the arrest of "Hippy," a Cheyenne Indian, who is now confined in the guard-house at Fort Reno. About four years ago this same man made unreasonable demand of John H. Seger, who was at that time in charge of the agency school as superintendent, and upon the refusal of Mr. Seger to comply with Hippy's dictation, he made an assault on Mr. Seger with a knife, and would have killed him had he not successfully resisted the strokes of his knife. I caused his arrest to be made at that time, and he was, at my request, confined in the post guard-

house at Fort Reno until he gave assurance that he would "keep the peace," which he did under solemn promise.

For some months past he (Hippy) has conducted himself very ugly, and at some times very defiant, and on every occasion where opportunity offered he constituted himself the champion of all the discontents, and as there was no limit to his abuse it has been exceedingly unpleasant to manage him, and those who would under better influence be easily managed. He had worked himself up in the belief that he could *compel* the agent and employes to do as he might bid, and refusing to do this he threatened violence.

On the 6th instant, at the beef corral while the issue was in progress, he took it into his hands to *compel* and to issue as he might dictate, and finally with pistol and knife made an unreasonable demand which was refused, and serious trouble was only avoided by my keeping out of his way. From and after this time until the 10th instant, he carried with him his pistol and knife intent upon blood. On the evening of the 8th he was in the house of John F. Williams, agency blacksmith, and exhibited his weapons, which he angrily said *were for the agent*, and he intended to use them on the least provocation. Mr. Williams asked him to relate his grievances. The principal ones were that "the Cheyennes propose now to dictate their own terms," next he claimed that the agent was the cause of the identification and banishment of the Cheyenne prisoners to Florida at the close of the war of 1874, and also that the agent was responsible for the reduction in beef rations, restricting the weekly deliveries to an average of 125,000 pounds, and even less than that amount since Little Chief and party left for the north. In all these grievances, imaginary or real, he could always find a response from some. Mr. Williams endeavored to reconcile him by stating that the agent was the representative of the President (or, as they say, Washington), and to do the agent an injury would be the same as to insult or injure "Washington." To this he made quick reply by saying that he would "be glad to kill 'Washington,'" and then referred, with apparent pleasure, to the assassination of the President, and the murder of Agent Meeker by the Utes, and he thought it would be a good idea for the Indians to remove all the agents.

This will give you an idea of the condition of this man's feelings, and as Mr. Williams and others, including some Indians and the interpreters, assured me that the man really meant to do me an injury, it becomes my duty to decide between two expediences: one was to let him run at large and suffer the consequences from him, or to secure his arrest and take our chances from outside pressure. I called to my office privately the captain of the Indian police, and laid the matter before him, and he preferred not to act, but assured me there would be no trouble if he was arrested by the whites. I called on Major Randall, commanding Fort Reno, and he, with myself, agreed that the arrest could be made best with least excitement to the Indians by employes, with the understanding that the major would be ready to co-operate on short notice should the friends of Hippy take the matter up.

On the morning of the 9th, the agency employes (whites) equipped themselves privately, and secretly watched his every movement until such time as we could get him alone if possible. During the 10th he spent the greater portion of the day in the stores. In leaving his lodge in the morning, he put on his war paint and told his women that he was "going up to the agency to die," that he "would kill the agent and then he would be killed." About 5 p. m. he was seen to examine his pistol and then proceed to my office, which he reached with the evident purpose of taking my life. This move was exactly what we wanted, as it placed him in the trap set for him, and in three minutes' time he was *double shackled*, and in a wagon *en route* to Fort Reno, and before a single Indian knew it at the agency he was lodged in the guard-house at Fort Reno. By the use of a rag sufficiently large to fill his mouth he was not permitted to call for help to his friends who were within reach of his voice. A few of his followers might have come to his rescue had the arrest been made in their presence. All this was avoided, and the effect of the arrest has been very salutary, and we have seldom received such words of approbation from the Cheyennes as we have for this act.

[Only] Hippy's son and one other relative "Vein" have shown any signs of disapprobation. They have demanded the return of the pistol and knife, and his release in a given time. To these demands I refer them to your decision. I tell them they must have known that Hippy was carrying them to kill the agent and would, by this knowledge, be in a measure responsible, accountable for the contemplated murder. On this point I desire that you be explicit in your instructions, as these people must be educated in the laws governing accessory crimes.

I have in my possession the pistol and knife taken from his person at the time of his arrest and will hold them for future consideration. Major Randall has suggested that Hippy be sent to the military prison at Fort Leavenworth, and at his suggestion I have made request through him to the department commander that he be immediately removed to said prison for a term of not less than *five years*. In this I trust we shall have your indorsement. I cannot too strongly urge upon the department the neces-

sity for immediate action. A few days' delay will give time for demands to be made for his release, and other complications may come up, while on the other hand, promptness and decision will give us greater influence for good over these people than we have had for years.

Very respectfully,

JOHN D. MILES,
Indian Agent.

Hon. H. PRICE,
Commissioner Indian Affairs, Washington, D. C.

A BILL to amend section twenty-one hundred and forty-two, relating to the government of Indian country.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section twenty-one hundred and forty-two, relating to the government of Indian country, is amended to read as follows :

SECTION 2142. Every person who shall assault an Indian, or other person, and every Indian who shall assault a white, or other person, within the Indian country, or within the limits of an Indian reservation, or lands especially set apart for Indian purposes, and not within the jurisdiction of any State or Territory, with a dangerous weapon, with intent to kill or maim the person so assaulted, or who shall attempt to incite insubordination or disturbance among any Indians, or between any Indian or Indians, and the lawfully constituted authority of any Indian agency, or make any demonstration of intent to assault an Indian agent, or an agency employé, or threaten the life of, or to inflict bodily harm upon an agent or agency employé, shall be arrested, and, upon conviction of either of said offenses before the United States court having jurisdiction in the case, shall be imprisoned at hard labor for a period of time not less than six months, and not more than three years, except in an aggravated case, when the term of imprisonment shall be within the discretion of the court, not exceeding five years.

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